

### **REMARKS**

Favorable consideration and allowance are respectfully requested for claims 1-4, 6-31 and 33-65 in view of the foregoing amendments and following remarks.

New claims 60-65 are submitted in this Amendment and recite the feature that the SMS text message includes security information data. Support for this amendment may be found in the specification, at least, for instance, in paragraph [0011] of the application as it published. No new matter is believed to be presented by this amendment. These claims are believed to be allowable for at least the same reasons as the independent claims are indicated to be allowable below.

### **35 U.S.C. 103 Rejections**

The rejection of claims 1-4, 7-11, 25-31, 34-38, 52-53, 55, and 57-59 under 35 U.S.C. §103(a) over Cousineau (US 2004/0162142) in view of Pederson (US 2004/0198403) is respectfully traversed.

The present invention provides SMS text message support for mobile lottery games so that a player may purchase an electronic lottery ticket using a remote terminal of a wireless network, such as a cellular telephone. Independent claims 1, 2, and 54 provide a translator in a user terminal to convert a message from a Java transaction object format into an SMS text message. Independent claims 28 and 29 recite method steps for such a translation. Claim 55 is directed to a computer readable medium for such a translation. As amended, each of the independent claims recite the feature that the conversion includes a specific series of translations. In particular, the conversion includes a first translation between the Java transaction object format and a binary message format, a second translation between the binary message format and an ASCII text message format, and a third translation between the ASCII text message format and the SMS text message format. These claim features are supported in the specification and drawings of the application as it published at least in Figures 1a and 1b, as well as paragraphs [0014] and [0015].

A significant concern in any financial transaction is security. In the present context, involving wireless transmission of signals that represent and direct transactions, there is a

security risk resulting from the wireless transmission. In particular, there is a possibility that an unscrupulous person might intentionally intercept, or even innocently receive, a wireless transmission. The claimed invention does not preclude such interception or innocent reception of a wireless signal. However, the claimed invention does prevent the recipient of such a wireless signal from deriving any meaning from the signal.

The series of conversions contemplated in the claims render the SMS text message unintelligible to any recipient thereof, with the exception of the intended recipient who holds the proper translator required to work through the conversion process. In particular, only a recipient holding the particular translation algorithms would be able to receive the SMS text message and then translate this text message into an ASCII text message, then into a binary message, and then finally into the intended Java transaction message format used for game play.

Thus, the sequential translations recited in the claims achieve a level of security for such a wireless system that has not been previously described.

Cousineau teaches the use of wireless communications devices to play games, and states that in a preferred embodiment the game is played over the Internet, see paragraph [0019]. As such, Cousineau teaches away from the presently claimed invention, where, rather than relying on the Internet as taught by Cousineau, SMS messaging over a wireless network is used as a communication format.

The secondary reference, Pedersen, does not teach a system as claimed, where a translator is used to convert a Java transaction object format message into an SMS text message for communication with a data center including an application server. Instead, Pedersen is directed to communications between players on different mobile devices. Thus, for instance, Pedersen allows two users to play a game such a backgammon, see paragraph [0054].

Neither Pederson nor Cousineau, nor the proposed combination of these references, contemplates a system as is set forth in the present claims where a user interacts with a Java application which is then converted into SMS messaging to communicate with a data center including an application server.

As discussed above, the claims recite a translation from Java to a binary message format, then to an ASCII text message format and then to an SMS text message format. The recent

Office Action acknowledges that the references do not teach this sequence of translations. In an attempt to make up for these deficiencies in the references, the Office Action asserts that the invention of the claims is simply one of design choice.

The Office Action's conclusory assertion that the use of different formats is a matter of design choice is improper and unsubstantiated. Applicant disagrees that the selection of particular formats in a particular arrangement, as is recited in the claims, is merely a matter of design choice. Further, as explained above, the particularly claimed systems and methods achieve advantages in increased security. These advantages are not seen in the methods of the prior art references. Nor would these advantages be present if other, arguably simpler, methods of translation were employed.

Further, the Office Action's reliance on the disclosure of the present application to support the notion that other translations might be utilized is misplaced, not only because the disclosure is not prior art to the present application, but also because absent the disclosure of the present application, there would be no suggestion to make use of the claimed formats and the particular sequence of translations. The Office Action points to paragraph [0017] of the present application for the statement that other messaging protocols for conversion between Java and SMS text message might be employed. As amended, the claims actually recite a particular series of translations that are contemplated. Even with this statement in the specification, absent the disclosure of the present application, the skilled artisan would have had no way to arrive at the present invention.

There is nothing in the cited references teaching that a security advantage might be achieved using the claimed sequence of translations. Indeed, the Pedersen reference, relied on as teaching a Java to SMS text message translation, relates to messaging that does not present a security risk, for instance, offering a game such as chess or checkers. Pedersen would have no reason to try to provide for increased security in such games, and, based on Pedersen, the skilled artisan would have no reason to think that they might increase message transmission security using the claimed sequence of translations. Furthermore, on the present record, there is no prior art teaching that a level of security might be achieved by providing a series of translations in an overall conversion between Java and SMS text messaging.

Accordingly, the cited references do not teach all of the elements of the claimed invention and the obviousness rejection cannot be properly maintained. Reconsideration and withdrawal thereof are respectfully requested.

The rejection of claims 12-24, 39-51, and 54 under 35 U.S.C. §103(a) over Cousineau (US 2004/0162142) in view of Pederson (US 2004/0198403) and Sludikoff (US 5,116,049) is respectfully traversed.

Sludikoff is offered as teaching a lottery game of selecting numbers and drawing numbers. However, Sludikoff does not make up for the failure of Cousineau and Pederson to teach or suggest the other features of the claimed invention, as outlined above. Accordingly, these claims are allowable over the proposed combination of these three references. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

**CONCLUSION**

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

In the event that any further fees are due or refunds allowed, please apply any charges or credits to deposit account 50-3211 (21204.0162US).

Respectfully submitted,

Date: September 23, 2010

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